

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE M. AVILES-GONZALES,

Defendant.

Case No. 20-CR-30-26-JPS

ORDER

On February 11, 2020, the grand jury returned a forty-four-count indictment, in which it charged Defendant the following three counts: Count One, conspiracy to distribute and possess with intent to distribute 5 kilograms or more of cocaine, in violation of 21 U.S.C. §§ 841(b)(1)(A) and 846; County Thirty-Seven, possession with intent to distribute a detectable amount of cocaine and 100 grams or more of heroin, in violation of 21 U.S.C. § 841(a), (b)(1)(B)–(C); and County Thirty-Eight, possession of firearms in furtherance of drug trafficking in violation of 18 U.S.C. § 924(c)(1)(A)(i). (Docket #151). On March 4, 2021, the parties entered into a plea agreement as to Count One of the Indictment. (Docket #526).

The parties appeared before Magistrate Judge William E. Duffin on March 16, 2021 to conduct a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. (Docket #530). Defendant pleaded guilty to Count One of the Indictment. (*Id.*) After cautioning and examining Defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Judge Duffin determined that the guilty plea was knowing and voluntary and that the offense charged was supported by an independent

factual basis containing each of the essential elements of the offense. (Docket #531 at 1).

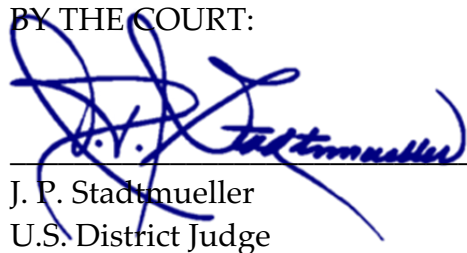
Thereafter, Magistrate Judge Duffin filed a Report and Recommendation, recommending that: (1) Defendant's plea of guilty be accepted; (2) a presentence investigation report be prepared; and (3) Defendant be adjudicated guilty and have a sentence imposed accordingly. (*Id.* at 2). Pursuant to General Local Rule 72(c), 28 U.S.C. § 636(b)(1)(B), and Federal Rule of Criminal Procedure 59(b), the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation. (*Id.*) To date, neither party has filed such an objection. The Court has considered Magistrate Judge Duffin's recommendation and, having received no objection thereto, will adopt it.

Accordingly,

IT IS ORDERED that that Magistrate Judge William E. Duffin's Report and Recommendation (Docket #531) be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 2nd day of April, 2021.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge